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OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

Dated 11th April 1950.

No. C. C. 51—49-50.

The Secretary to the Government of Mysore,
Law Department, Bangalore.

This is a dispute between Messrs K. H. Shama Rao & Sons, mployees' Association and the Management and arose out of Notice of Change given by the former on 21st December 949. The annexure to the Notice of Change reads as ıder:—

Whereas by identical notices dated 20th December 1949, ıe Management of K. H. Shama Rao & Sons as represented y their Manager have thought fit to terminate, with effect on 21st December 1949, the services of the following nployees of their concern, namely (1) M. S. Sitharam, No. 201, (2) Nanjundaiah, T. No. 64, (3) Gurumurthy, No. 19, (4) Kodandu, T. No. 21 and (5) Nataraj, T. No. 20, whom the first is that President of the Employees' Associ-ion of the Concern, the succeeding three are members of its xecutive Committee and the last is an active ordinary member the Association, for the alleged sole reason that they are, to ote from the notice of discharge "Canvassing the employees join for a strike as per the notice published on 3rd Decem-er 1949".

And whereas there is nothing in the notice of the ssociation referred to by the Manager to warrant the ssumption that a strike is contemplated immediately for hich any employee could be rendered liable for any activity n his part for any penal action and where in fact it was ade explicitly clear to the Manager on behalf of the mployees' Association by its Secretary, that there was no ıtention on the part of the Association or any of its nployees of launching on the immediate strike at present.

Whereas, notwithstanding this assurance, a pretext of a pposed strike is sought for penalising these employees for eing active members of the Association,

Whereas, additionally, no explanation has been called om, nor an opportunity given to the discharged employees to ndicate themselves, where "canvassing" is more assumed an proved and brought home.

Whereas, further, it is not unlawful for any employee to gage himself in any lawful trade union activity including nvassing for a strike declared legal under the terms of the ysore Labour Act, 1942, where in other words canvassing is ot '*perse*' illegal.

A case, therefore, is, in the opinion of K. H. Shama Rao Sons' Employees' Association, conclusively established of ictimisation, the real purport of the discharges being to enalise the discharged employees for their lawful and gitimate activities as members and office bearers of the ssociation, in short to break the Association and its ollective strength, even on the avowed allegation on the ischarge notice itself, and victimisation being unlawful and nadmissible under law, the discharges are illegal and so the ssociation demands of the Management that they imme-iately reinstate the discharged employees with such compen-ation as is due and proper.

During the Conciliation Proceedings which were held to-day Sri K. S. Hanumantha Rao appeared on behalf of the Management while the Association was represented by its President Sri M. S. Sitaram and Sri Nanjundiah, a member of the Executive Committee.

It appears that of the five persons discharged, Sri Guru-murthy, T. No. 19 and Sri Kodandu, T. No. 21 have accepted one month's wages in lieu of Notice and left the Factory. The dispute is therefore between the remaining three persons and the management.

The case for the management is that on 3rd December 1949 the discharged members distributed hand bills inside the Factory premises inciting the workers to stage a strike. Besides, these members were actually engaged in asking the workers to slow down the production if not to stop it alto-gether. The Management had previously issued final warnings to all of them except Sri Sitaram that they would be discharged if they did not desist from their mischievous activities. Even Sri Sitaram had been given one warning. They found it impossible to carry on the work with such mischievous elements continuously fomenting trouble among the employees. It was therefore necessary for the Management to take the extreme step of discharging all the five persons on 20th December 1949. The latter except Sri Gurumurthy and Kodandu have filed a criminal complaint against the Manage-ment under Section 24 of the Mysore Labour Act and the case is now pending. The Management have offered these persons also one months' wages in lieu of notice. Standing Order 23 gives the Management full powers to terminate the services of any employee causing indiscipline among the workers. It is not possible to take back the discharged persons. But the Management are willing to consider any suggestions for giving alternative additional relief to the three discharged persons who have not accepted one month's wages in lieu of notice.

The case for the Association is that the Management have acted in a most high handed manner and seem to feel that they could do as they please if they got rid of the most active members of the Association. The first four discharged persons are the office bearers of the Association while the last is an active member. The hand bill distributed merely points out that the Management have given no relief to the workers and exhorts them to be ready even to strike but strictly in con-formity with the procedure laid down in the Labour Act. There is no incitement in it that the workers should stage an immediate strike or that they should slow down or stop the production. The Office bearers know full well that the chances of the workers securing better wages and greater amenities are wholly dependent on their maintaining produc-tion in the Factory at the full level. The accusation of the Management that they were actively engaged in fomenting trouble is therefore palpably false. The Association cannot accept any compromise in this case andinsists on the reinstate-ment of the three discharged persons who have declined to accept wages in lieu of notice.

The Assistant Commissioner of Labour, Bangalore Division and I tried to persuade both the sides to compose their differences and drop the criminal proceedings. These efforts were unavailing. The result is a failure of the Conciliation Proceeding which I report under Section 12 (4) of the Mysore Labour Act.

Yours faithfully,
K. SUBBA RAO,
Chief Conciliator.

Dated 24th April 1950.

No L.S. 265—L.W. 11-50-3. His Highness the Maharaja of Mysore is pleased to direct that Monday the 1st May 1950, be declared as a *Holiday* for all Government Industrial Concerns in the State on account of observance of May Day, if a substantial number of workers make a request, subject to the condition that, in lieu of the holiday they agree to work on some other paid holiday, preferably Sunday 30th April 1950.

The Managements of all aided and private industrial concerns are requested to follow suit, if they have no objection.

By Order of His Highness the Maharaja,

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Dated 24th April 1950.

No. H. 687—Pris. 2-50-4. His Highness the Maharaja of Mysore is pleased to appoint the following four gentlemen as non-official visitors to the District Look-up, Hassan, for a period of two years from the 29th May 1950 :—

1. Sri Y. Dharmappa, B.A., LL B., President, District Board, Hassan.
2. Sri D. R. Kari Gowda, Timber Merchant, Hassan.
3. Sri Boranna Gowda.
4. Dr. B. Chakrapani Iyengar, Medical Practitioner, Hassan.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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REVENUE SECRETARIAT

Dated 10th January 1950.

No. L. B. 7214—A.D.C. 3-49-47. Whereas it appears to the Government of Mysore, that the undermentioned land situated in Doddanahalli Village, Kolar Taluk, Kolar District, are needed for a public purpose, to wit, for Adikarnataka and Adidravida Colony; notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of Section 4 (1) of the Land Acquisition Act of 1894, as amended by the Land Acquisition Act No. I of 1927, and the Govern-